

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|----------------------|---|--------------|
| ROYAL BANK AMERICA | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| JAMES E. KIRKPATRICK | : | NO. 11-1058 |

ORDER

AND NOW, this 29th day of September, 2011, upon consideration of Royal Bank's Motion for Summary Judgment (Document No. 9) and the defendant's response, it is **ORDERED** that the motion is **DENIED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** for lack of subject matter jurisdiction.

/s/Timothy J. Savage
TIMOTHY J. SAVAGE, J.